

October 29, 1975

The following material was discussed ~~with~~ Dr. Kitzmann. No

## STATEMENT OF ERDA POSITION ON BIKINI INJUNCTION

403376

The purpose of this memorandum is to state the ERDA position on suite filed in the U. S. District Court for the District of Hawaii on the People of Bikini, et al vs Robert C. Seamans, Jr., et al, Motion for Preliminary Injunction.

## Background

In 1946 the President approved for National security reasons, the use of Bikini Atoll for nuclear testing. In the period 1946 to 1958, 23 nuclear <sup>tests</sup> ~~weapons~~ <sup>conducted</sup> ~~exploded~~ at Bikini Atoll.

Following a request from the Secretary of the Interior in December 1966, AEC agreed to review the radiological conditions <sup>in the Atoll</sup> and make recommendations on the return of the Bikini people. In August 1968 the President announced the decision to return the Bikini people to their Atoll. Also, the President directed the Secretary of Defense, Secretary of the Interior and Chairman of AEC to cooperate in the Bikini resettlement program. ~~was in the Atoll always.~~

The AEC was ~~primarily~~ responsible for advice and assistance on radiological matters. The DOD <sup>was responsible for</sup> conducted the cleanup. The Department of the Interior <sup>was</sup> responsible for rehabilitation and resettlement.

During the period 1966 to the present, AEC/ERDA has continued to provide the DOI with advice on the radiological aspects of the rehabilitation and resettlement of Bikini Atoll. **BEST AVAILABLE COPY**

Periodic followup radiological surveys of Bikini have been conducted specifically in 1970, 1972 and 1975. In January 1975, ERDA agreed to conduct a radiological evaluation and make an assessment of the Trust Territory's preliminary plans for constructing additional housing at Bikini Atoll. A radiological survey of Bikini and Eneu<sup>Islands</sup> was made in June 1975, and the Preliminary results of <sup>this</sup> the survey were presented at a briefing, August 1975. Additional information and assessments were to be provided in about six months.

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826 U.S. ATOMIC ENERGY	
RG	COMMISSION
Collection	DOS/DOE Files
Box	13 Job 1326
Folder	4-3 Bikini Lawsuit Correspondence

# I. RECOMMENDATIONS FOR ACCESS TO BIKINI ATOLL

- A. The access to Bikini Atoll and direct communications with the people are matters primarily for the Department of the Interior and the Trust Territory Government who are responsible for their safety and welfare.
- B. As for an injunction that would permit resettlement, but would require persons to be fully apprised of conditions on the island, we don't believe such an order is necessary, because we fully expect that Trust Territory Admin. intends to so apprise persons in any event.

# II. CONTINGENCY PLANNING FOR RELOCATION

- A. No ERDA role.

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# III. REQUIREMENT FOR INFORMATION IN MARSHALLESE AS WELL AS ENGLISH

- A. Would have no objection - indeed, we have in the past and will continue in the future - to making all our conclusions available to Bikini people.

- B. However, ERDA does not have the capability to translate all this technical information meaningfully into Marshallese.

1. Stand ready to work with Trust Territory Government to assist in any translation it deems appropriate.

# IV. MEDICAL EXAMINATION

- A. *There is a* Need to emphasize that ERDA has no responsibility or authority to provide medical assistance to private persons, except where specifically authorized. (Cf. Medical Program on Rongelap, which was specifically funded.) DOI is the Trust Territory Government. *ERDA* must determine what is necessary and feasible.

1. ERDA does have program to conduct environmental surveillance of Bikini, including conduct of bioassays of individuals in Bikini. This program is headed by Dr. Conard, Brookhaven Laboratory, and utilizes ERDA's research vessel, Liktamur, which does have certain medical resources (trailer containing examining room, X-ray machine, dentist's chair, and limited laboratory capability; a separate and different trailer, which can do whole-body radiation counts, could be put aboard; trailers cannot be off-loaded at Bikini because

*The Agency responsible for medical programs carried out by*

*ERDA on Rongelap*  
*the limits of the limited resources*  
*and capabilities*

*What about this*

there's no port facility or crane; even if trailer were taken off, there's no power at Bikini, and equipment need power.) The Liktanur would be available should the Trust Territory require it. However, it does not have the capability to fulfill all the support that is requested, i. e., the X-ray capability is limited to chest plates; complete blood studies; radioanalysis of urine, chromosome analysis of blood, would have to be done at other suitably equipped laboratories.

- B. Any use of this ship will require coordination of scheduling with other programmatic work.

#### V. PROHIBITION OF COMMUNICATION

- A. ERDA stands ready to conduct all its communications with ~~people of Bikini under auspices of, and after coordination with, DOI.~~ *relative to Bikini Atoll and through DOI.*
- B. ERDA will provide copies of any written statements to Plaintiffs' counsel, and will notify counsel of any contemplated meetings ~~with Bikini people.~~ *where radiological information is to be provided to the*
- C. Some of plaintiffs' criticism of Bikini program can only be corrected by more, not less, communication with Bikini people.

#### VI. RADIOLOGICAL SURVEY

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- A. ERDA is prepared to begin the aerial survey within 30 days. *of a commitment of logistic support,*  
~~However, this schedule is dependent upon having appropriate logistical support.~~

- B. A survey of Bikini <sup>*Atoll*</sup> only would require about 2 weeks of field work to collect data. A complete written report ~~on the~~ *of the several reasons* ~~survey~~ will be available within 60 days. No ~~other~~ surveys ~~of the Northern atolls~~ *in the Northern Marshes* is required to interpret the Bikini data.

#### VII. INDEPENDENT ANALYSIS

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- A. ERDA is prepared to ask: <sup>*available*</sup> The NAS to appoint a committee of 5 scientists to "analyze and evaluate the data produced" by the aerial survey; to cooperate fully with the NAS Committee and supply it with all radiological data on Bikini.

B. Alternatives:

1. ERDA supply list of scientists to Court and Court appoints the Committee.
2. ERDA and Plaintiffs <sup>Council</sup> agree on a 5-man panel.

VIII. RADIOLOGICAL ANALYSES OF FLORA AND FAUNA

Considered to be part of VII above.

IX. CONTROL OF AGENCY SPENDING AND CONTRACTS

- A. Can't agree, and don't think plaintiffs' proposal is workable in any event. Propose that Government statement, or stipulation of parties, be submitted which specifies the commitments discussed above.
- B. While we don't think anything more is necessary, we would be prepared to provide periodic status reports to the Court on continuing developments.
- C. Decision re EIS should be Interior decision. Should action on EIS be initiated, ERDA will assist DOI with this effort as requested.

X. FURTHER MONITORING

- A. Can't agree to anything beyond what's stated in IX above.

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